IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 10129 of 2007(E)

AGAINST THE ORDER IN EP.50/2007 IN
RCP.16/2001 of PRL.M.C.,ERNAKULAM
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PETITIONER:
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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY,
BOARD OF REVENUE (TAXES), THIRUVANANTHAPURAM,
PRESENTLY COMMISSIONER, COMMERCIAL TAXES.

3. THE DEPUTY COMMISSIONER,
COMMERCIAL TAXES, THEVARA, KOCHI-15.

BY GOVERNMENT PLEADER SRI.V.V.ASOKAN

RESPONDENTS:

S.KRISHNAKUMAR, AGED 33,
MANIKANDA NIVAS, K.S.N.MENON ROAD, ERNAKULAM,
KOCHI-16.

BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.P.C NO. 10129 OF 2007
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Dated this the 9th day of April, 2007

J U D G M E N T

P.R.Raman, J.

State of Kerala and others are the petitioners. Respondent herein filed RCP No.16/2001 seeking eviction of the building occupied by the petitioners on the grounds covered under Section 11(3) and 11(4)(iii) of the Kerala Buildings (Lease and Rent Control) Act 1965. The Rent Control Court ordered eviction in 11 (3). The petitioners have preferred an appeal before the Appellate Authority along with petition for condonation of delay. In the meantime execution proceedings were taken by the landlord. It was at that stage that the present writ petition was filed.

2. This Court while issuing notice before admission granted interim stay of taking delivery of the building for a period of two weeks. Respondent had entered appearance through counsel.

3. We have heard both sides.

4. It is submitted by the Special Government Pleader for

taxes appearing on behalf of the State that the appeal itself along with delay condonation petition is coming up before the Appellate Authority on 30/6/07.

5. The learned Counsel appearing for the landlord Sri.Santhalingam submitted that the only point that was raised in the execution stage is that they want some more time for vacating the premises. Now that the State has already preferred an appeal, the respondent herein is entitled to raise his contentions before the Appellate Authority. Interim stay granted by this court on 23/3/2007 is extended upto 1/7/2007 and thereafter the matter will be governed by any orders that may be passed by the Appellate Authority.

Writ petition is disposed of as above.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp